



**In The United States Patent and Trademark Office**

Application Number: 10/825,728

Examiner: Piziali, Andrew T

Applicant(s): Frank Tien

Group Art Unit: 1771

Filing Date: 04/16/2004

Title: Breathable and Waterproof Lining Structure for Footwear and Garment

Date: 12/05/2006

**DECLARATION UNDER RULE 132**

Honorable Commissioner for Patents,  
P.O. Box 1450,  
Alexandria, VA 22313-1450

Sir:

I, Frank Tien, hereby attest as follows:

I am the sole-named inventor of the above-identified U.S. Patent Application Serial No. 10/825,728, entitled "Breathable and Waterproof Lining Structure for Footwear and Garment" (the '728 application).

**Commercial Success**

My company currently makes and sells a footwear embodying the subject of the '728 application. This footwear was introduced commercially throughout the United States. Over 1,537,886 pairs of footwear containing the structure of the instant invention have been sold in stores and the updated sale records including the year sale, customer name, brand, style, quantity, and total sales, are as shown in the Attachment 1 in detail.

The brands we used for all the boots that made with "Aquashield bootie" including "Cabela's", "Herman Survivors", "Drytrail", "Magellan", and "Brahma".

As shown in Attachment 1, over **1,957,630 pairs** and the total sales of **USD36,230,266.74** of the instant invention were sold between Year 2004 and Year 2006..

In my opinion, an important reason for the commercial success of the Breathable and Waterproof Lining Structure is the structural configuration which has been expressed in the '728 application. Therefore, the subject matter of the Breathable and Waterproof Lining Structure exhibits relative to others available in the market is an important reason for the commercial success of the Breathable and Waterproof Lining Structure.

All statements made of my own knowledge are true and all statements made on information and belief to be true. I acknowledge that willful false statements and the like are punishable by fine, imprisonment, or both under 18 U.S.C. 1001 and may jeopardize the validity of the application or any patent issuing thereon.

By: 

Frank Tien

Date: 12-5-06



# Shoes that use Aquashield Materials

Year	Customer Name	Brand	Style	Quantity	Total Sales
2004	Wal-Mart Stores, Inc. 702 S.W. 8th St. Bentonville, AR72716	Herman Survivors	Tracker waterproof hunting boot	140,312	\$2,824,480.56
2004	Wal-Mart Stores, Inc. 702 S.W. 8th St. Bentonville, AR72716	Herman Survivors	Big Buck waterproof hunting boot	144,090	\$4,276,591.20
2004	Wal-Mart Stores, Inc. 702 S.W. 8th St. Bentonville, AR72716	Herman Survivors	Young bear waterproof steel toe workboot	115,032	\$2,277,633.60
2004	Wal-Mart Stores, Inc. 702 S.W. 8th St. Bentonville, AR72716	Herman Survivors	Kurt waterproof workboot	70,002	\$1,766,150.46
2004	Wal-Mart Stores, Inc. 702 S.W. 8th St. Bentonville, AR72716	Brahma	Nine point camo waterproof hiker	240,996	\$2,863,032.48
2004	Cabela's, One Cabela Drive, Sidney, NE 69160	Cabela	waterproof thinsulate hunting boot	24,372	\$667,625.40
2004	Various retail stores customers	Drytrail	waterproof workboot	3,686	\$114,250.00
2005	Wal-Mart Stores, Inc. 702 S.W. 8th St. Bentonville, AR72716	Herman Survivors	Tracker waterproof hunting boot	134,058	\$2,973,406.44
2005	Wal-Mart Stores, Inc. 702 S.W. 8th St. Bentonville, AR72716	Herman Survivors	Young bear waterproof steel toe workboot	115,188	\$2,280,722.40
2005	Wal-Mart Stores, Inc. 702 S.W. 8th St. Bentonville, AR72716	Herman Survivors	Kodiak waterproof steel toe workboot	41,430	\$1,061,436.60
2005	Wal-Mart Stores, Inc. 702 S.W. 8th St. Bentonville, AR72716	Brahma	Nine point camo waterproof hiker	249,588	\$2,905,204.32
2005	Wal-Mart Stores, Inc. 702 S.W. 8th St. Bentonville, AR72716	Herman Survivors	Breaker waterproof steel toe workboot	103,754	\$2,054,329.20
2005	Various retail stores customers	Drytrail	waterproof workboot	1,918	\$52,000.00
2005	Cabela's, One Cabela Drive, Sidney, NE 69160	Cabela	waterproof thinsulate hunting boot	11,724	\$382,662.00
2005	Academy Sports & Outdoors, 1800 N. Mason Rd, Katy, TX 77449	Magellan	waterproof hunting boot	9,792	\$146,172.00
2006	Wal-Mart Stores, Inc. 702 S.W. 8th St. Bentonville, AR72716	Herman Survivors	Young bear waterproof steel toe workboot	57,504	\$1,138,579.20
2006	Wal-Mart Stores, Inc. 702 S.W. 8th St. Bentonville, AR72716	Herman Survivors	Kodiak waterproof steel toe workboot	48,532	\$1,243,389.84
2006	Wal-Mart Stores, Inc. 702 S.W. 8th St. Bentonville, AR72716	Brahma	Nine point camo waterproof hiker	209,994	\$2,431,730.52
2006	Wal-Mart Stores, Inc. 702 S.W. 8th St. Bentonville, AR72716	Herman Survivors	Breaker waterproof steel toe workboot	187,828	\$3,718,994.40
2006	Wal-Mart Stores, Inc. 702 S.W. 8th St. Bentonville, AR72716	Brahma	Dakota waterproof steel toe workboot	23,584	\$362,014.40
2006	Cabela's, One Cabela Drive, Sidney, NE 69160	Cabela	waterproof thinsulate hunting boot	16,854	\$572,016.12
2006	Academy Sports & Outdoors, 1800 N. Mason Rd, Katy, TX 77449	Magellan	waterproof hunting boot	7,392	\$117,845.60

## Attachment 1